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GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
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Letter dated 27 November 1992 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

As you are aware, since the multi-party negotiations on a new constitution for South Africa were suspended in May 1992, following the withdrawal of the African National Congress (ANC) from the process, the Government of South Africa has made every effort to secure their resumption. The Record of Understanding reached in bilateral discussions with ANC on 26 September 1992 (see A/47/494-S/24606 of 1 October 1992) presaged the return of that organization.

An issue of general concern has been the timetable to be followed for the further negotiations and implementation of decisions regarding the institution of a transitional executive council, elections and the installation of a government of national unity.

I now have the honour to transmit to you a statement and accompanying background paper issued by State President F. W. de Klerk on 26 November 1992, setting out a proposed timetable for the transitional process (see annex). The timetable envisages that a fully representative government of national unity will be in place no later than the first half of 1994.

Whereas the Government of South Africa is for its part committed to the timetable, it can be implemented only with the cooperation of all important parties in South Africa. The Government of South Africa anticipates the support of the international community for this programme.

I should be grateful if the present letter and its annex could be circulated as an official document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

ANNEX

STATEMENT BY PRESIDENT FW DE KLERK ON THE TIMETABLE FOR THE TRANSITIONAL PROCESS

The main question in our national debate on further constitutional reform now centres on the timing of the process which will lead to the installation of a Government of National Unity. The Government has received numerous queries and representations in this regard from persons and organisations inside South Africa and abroad.

Against the background set out in the attached position paper, the Government considers it in the best interest of the country that a fully representative Government of National Unity should be in place no later than the first half of 1994. Such a Government would function in terms of a transitional constitution which would, inter alia, provide for an elected parliament and executive.

However, the timing of the installation of the Government of National Unity cannot be determined in isolation from the process which must necessarily precede it. Before this can happen, a number of steps must first be successfully completed in accordance with the broad consensus which has already been reached regarding the transitional process.

Against this background, the Government is convinced that the following objectives and target time scales are attainable, and given the cooperation of all parties can even be advanced, and should therefore be vigorously pursued:

- Bilateral discussions across a broad spectrum of political parties, aimed at the resumption of negotiations, whether in a new forum or in a more representative and restructured CODESA, to be completed before:

End of February 1993

- Such a multilateral negotiating forum to be convened before:

End of March 1993

- Multilateral agreements on a Transitional Constitution (including constitution-making procedures, constitutional principles and regional governments), Transitional Executive Council and Election Commission to be concluded before:

End of May 1993

- Legislation for Transitional Executive Council and Election Commission to be adopted in:

May/June 1993

- Transitional Executive Council and Election Commission to be

instituted in:

June 1993

- Transitional Constitution (also providing for a constitution-making body) to be enacted before:

End of September 1993

- Election rules and regulations to be formulated an promulgated before:

End of October 1993

- Playing field to be levelled; free political participation to be ensured; violence to be contained; party political campaigns to be organised and concluded; logistical preparations to be made and voter information campaigns to be conducted for elections to be held not later than:

March/April 1994

Naturally, our ability to meet these target dates will depend on the cooperation of the other major parties and their commitment to the process. However, if we are able to make rapid progress in dealing with above-mentioned steps, it may be possible to establish the Government of National Unity earlier than envisaged.

On the other hand, failure to reach inclusive agreements on transitional measures within the envisaged time frames will inevitably delay the institution of a Government of National Unity and exacerbate the country's political, economic and social problems. Should this happen, other ways and means will have to be found to bring about a Government of National Unity so that constitutional reform continues without delay.

We urge all political parties to cooperate in the quest for a just and prosperous new South Africa

ISSUED BY THE OFFICE OF THE STATE PRESIDENT PRETORIA 26 NOVEMBER 1992

APPENDIX

ANNEXURE TO THE STATEMENT BY STATE PRESIDENT FW DE KLERK ON THE TIMETABLE FOR THE TRANSITIONAL PROCESS

The present Government, on coming to power on 6 September 1989, initiated an accelerated reform process to eliminate apartheid and lead the country through peaceful negotiations to a new democratic constitutional dispensation. This process was launched on 2 February 1990.

We have removed the pillars of apartheid. All political organisations are now free to participate in the negotiation process. Negotiations progressed to the multi-party level at CODESA, which, with a few exceptions, included most of the significant parties. After CODESA II a number of parties withdrew from this process.

Many of the original CODESA participants are ready to return to multi-party negotiations. Others are holding back, while a number of those not previously involved now wish to participate.

The Government has worked ceaselessly to get multi-party negotiations back on track. For this purpose, it has been engaged in bilateral discussions with a number of parties. This has led to a perception among some of the parties that the Government and the ANC are dominating the process to the exclusion of others. There have even been media reports of a prospective power-sharing deal between the Government and the ANC. The Government has always been in favour of multi-party power-sharing, but feels strongly that this cannot come about as a result of agreement between only two parties.

Power-sharing, as a democratic principle, is particularly relevant to South Africa. In practice it means that the party that gains fifty-one percent of the vote should not obtain one hundred percent of the power at all levels of government. There is a growing awareness that it will be difficult for any one party to govern South Africa effectively. The immense challenge of national reconciliation and reconstruction can be successfully carried out only with the cooperation of all leading parties. Their involvement is a prerequisite for peace and stability. To us power-sharing is a constitutional arrangement ensuring that all parties with significant support will have meaningful participation in all areas of government at all levels. A Government of National Unity is accordingly becoming a key concept. The negotiation process has already produced broad consensus on this approach. To achieve this objective, we propose a constitution:

- giving all parties with significant support participation in the legislature, and all those with major support participation in the executive;

- providing for autonomous, original and constitutionally protected powers in respect of agreed functions at regional

and local government level where party support may be relatively different from that at national level;

- transforming South Africa into a state in which the constitution is the supreme law and a justiciable charter of fundamental rights protects the citizen against abuse of state power;

- containing further checks and balances such as increased majorities, entrenched clauses, cooling-off periods and dispute resolution mechanisms to prevent simple majorities from riding roughshod over minorities;

- ensuring and protecting the independence of the courts, of judges and of attorneys-general;

- placing the armed forces under neutral, non-partisan control to ensure that they cannot be abused for party political ends and defend the constitution and the borders of the country and protect our citizens;

- ensuring and protecting the independence of institutions such as the auditor-general, the ombudsman and the commission responsible for the public service; and

- providing the framework for an economic and social system:

- safeguarding economic freedom, private ownership and a market economy and allowing the maximum scope for individual initiative and private enterprise;

- ensuring equal development opportunities for all; and

- addressing socio-economic needs and backlogs in the most effective and constructive way.

While these are salient features of the democratic constitution that the Government and the National Party will support and promote in the negotiations and elections, the Government also has a responsibility in respect of the process itself. In this process, leading to an election, other parties, large and small, must have an equal opportunity to promote their particular constitutional policies.

The immediate and urgent objective remains free and fair elections as soon as possible under transitional constitutional arrangements negotiated, accepted and supported by all significant parties. To this end, the Government had hoped that the process it launched in 1990 would lead the country away from violent political conflict towards a just society with normalised free party political competition and participation. Violence delays progress along the road to constitutional reform.

For elections to be free and fair, it is inconceivable that

political parties should have private armies. In the final analysis, only recognised political parties should participate in the political process to ensure a climate conducive to free and fair political participation.

This situation has not yet been achieved. Political violence and intolerance are destabilising our country and frustrating the negotiation process. The Government itself and many other institutions, parties and individuals have been working hard to bring an end to violence. Much must still be done. This requires that our people and our leaders must come out openly in full support of political tolerance and reconciliation if peace is to be attained.

While free and fair elections would hardly be possible if violence were to continue at the present level, meaningful progress in negotiations is necessary to eliminate political violence.

PRETORIA

26 NOVEMBER 1992